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PRESS STATEMENT

Auditor Releases Report, Traffic Court Owes Funds to Orleans Public Defenders

BATON ROUGE – Despite a successful LPDB lawsuit against most of the criminal bench in New Orleans, extensive outreach to all stakeholders about the public defender funding crisis, the 2011 release of a report detailing problematic practices and improper use of funds by the Office of the Inspector General, and the suspension of both the conflict and assigned capital counsel for indigent defendants in Orleans due to budget shortfalls, a report released today by LaPorte CPAs and Business Advisors finds that New Orleans Traffic Court continues to retain significant funds dictated by state law to be remitted to the local public defender office.

Auditors evaluated two months of Traffic Court tickets and collections (February and June 2011) by reviewing all paper tickets and both sets of accounting books maintained by Traffic Court. The auditor found that in February 2011, Traffic Court failed to remit \$37,653 of collected fees to the public defender office. In June 2011, Traffic Court improperly withheld \$45,716 from the public defender office. Traffic Court was given an opportunity to review these findings and concedes that the Orleans Public Defenders is owed additional funds.

In addition to finding illegally withheld funds, the LaPorte report also finds other significant problems: Because Traffic Court performs no reconciliation of pre-numbered tickets, there is no way to verify that the reviewed tickets are the total number of tickets received; Traffic Court uses two accounting systems to record transactions, making it difficult to meaningfully evaluate financial statements; Traffic Court regularly converts traffic tickets into contempt charges, or suspends certain charges while adding others, thereby bypassing the obligation to collect funds for any other agency except its own Judicial Expense Fund; and, Traffic Court remits fees to its judicial expense fund before any other agency.

If these problems were remedied, the calculation of funds owed to the Orleans Public Defenders would have generated a potential of \$126,418 from February 2011, and \$101,147 in June 2011 for the public defense function. LPDB Chairman Frank Neuner said, “It is incredibly disheartening to see Traffic Court continue to ignore state law and the significant efforts that so many community leaders are making to ensure that New Orleans has a fair, accountable and efficient criminal justice system. Traffic Court admits it is misallocating OPD’s funds, but justifies its failure to follow state law based on its own budget needs.”

The law requires judges to assess a \$35 fee to every criminal defendant who is convicted after trial, pleads guilty or no contest, or who forfeits his or her bond for violation of a state statute or a parish or municipal ordinance other than a parking ticket. Under the law, they are also responsible for collecting and remitting that fee to the local public defender office. In early 2011, after a lawsuit against municipal and district judges, the Court’s responsibility to follow this law was affirmed. However, despite an ever-widening circle of allies calling for accountability in the court, Traffic Court continues to refuse to remit these funds to the Orleans Public Defenders Office. This has exacerbated the funding shortfall at OPD, resulting in layoffs, office

restructuring, suspension of the conflict panel and assigned capital contract system, and a dependence on a pro bono panel to handle those cases.

The Traffic Court's failure to follow state law is at the expense of the Public Defender's office and the city it serves.

LPDB projects budget shortfalls in over a dozen districts across the state in FY13. In each district, public defenders represent between 85-95% of all criminal defendants. Without sufficient funds for district public defender offices to operate at full capacity, the criminal justice system becomes less efficient and jeopardizes justice, for victims and defendants alike.

LPDB calls on the Office of the Inspector General to continue its attention to the known problems in New Orleans Traffic Court and for the public to demand accountability from all our elected officials. LPDB will continue to pursue these funds – both retroactively and going forward – by all available means. Every dollar counts and New Orleans Traffic Court must be held accountable to the law.

Please contact Frank X. Neuner, Jr. if you have any questions at the cell number listed above or by e-mail at: fxnjr@ln-law.com

The report can be found on the LPDB website at:

<http://lpdb.la.gov/Serving%20The%20Public/Reports/District%20Reports.php>